

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In re:**

**TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001**

**03-MDL-1570 (GBD)(SN)**

SWISS REINSURANCE AMERICA CORPORATION,  
SWISS RE INTERNATIONAL S.E., WESTPORT  
INSURANCE CORPORATION, SWISS RE EUROPE  
S.A., and SWISS REINSURANCE COMPANY LTD.,

Plaintiffs,

*- against -*

KINGDOM OF SAUDI ARABIA,

Defendant.

**18-CV-12109**

**SAUDI ARABIA SHORT  
FORM COMPLAINT AND  
DEMAND FOR TRIAL BY  
JURY**

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of July 10, 2018, ECF No. 4045. Plaintiffs incorporate by reference the specific allegations, as indicated below, of the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia (“CAC”), ECF No. 3463.

Upon filing this Saudi Arabia Short Form Complaint, Plaintiffs are deemed to have adopted all factual and jurisdictional allegations of the CAC, all prior filings in connection with the CAC; and all prior Orders and rulings of the Court in connection with the CAC.

## **VENUE**

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

## **JURISDICTION**

2. Jurisdiction is premised on the grounds set forth in the CAC, and, further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to defendant in this action: 28 U.S.C. § 1330 (actions against foreign states); 28 U.S.C. § 1605(a)(5) (non-commercial tort exception) and 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act).

## **CAUSES OF ACTION**

3. Each Plaintiff hereby adopts and incorporates herein by reference the following: factual allegations (except for the allegations in paragraphs 20-21 that relate solely to the plaintiffs identified therein), jurisdictional allegations, jury trial demand and the following causes of action set forth in the CAC as to the Kingdom of Saudi Arabia:

- COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
- COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
- COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
- COUNT VI – Alien Tort Claims Act.
- COUNT VIII – Conspiracy.
- COUNT IX – Aiding and Abetting.

- COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
- COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
- COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
- COUNT XV – Trespass.
- COUNT XVI – Violations of International Law.

### **IDENTIFICATION OF PLAINTIFFS**

4. Plaintiff Swiss Reinsurance America Corporation (“Swiss Reinsurance America”) is a New York corporation. At all times relevant hereto, Swiss Reinsurance America and its predecessors were engaged in the business of reinsurance. Swiss Reinsurance America is subrogated to the claims of the insureds of its reinsureds, who are United States nationals.

5. Plaintiff Swiss Re International S.E. (“Swiss Re International”) is a company duly formed under the laws of Luxembourg. At all times relevant hereto, Swiss Re International and its predecessors were engaged in the business of insurance. Swiss Re International is subrogated to the claims of its insureds, who are United States nationals.

6. Plaintiff Westport Insurance Corporation (“Westport”) is a Missouri corporation. At all times relevant hereto, Westport and its predecessors were engaged in the business of insurance and reinsurance. Westport is subrogated to the claims of its insureds and the insureds of its reinsureds, who are United States nationals.

7. Plaintiff Swiss Re Europe S.A. (“Swiss Re Europe”) is a company duly formed under the laws of Luxembourg. At all times relevant hereto, Swiss Re Europe and its predeces-

sors were engaged in the business of insurance and reinsurance. Swiss Re Europe is subrogated to the claims of its insureds and the insureds of its reinsureds, who are United States nationals.

8. Plaintiff Swiss Reinsurance Company Ltd. (“Swiss Reinsurance Company”) is a company duly formed under the laws of Switzerland. At all times relevant hereto, Swiss Reinsurance Company and its predecessors were engaged in the business of insurance and reinsurance. Swiss Reinsurance Company is subrogated to the claims of its insureds and the insureds of its reinsureds, who are United States nationals.

9. Swiss Reinsurance America, Swiss Re International, Westport, Swiss Re Europe, and Swiss Reinsurance Company all are entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint in respect of insurance and reinsurance claims paid by them, consisting primarily of property and/or aviation liability losses.

#### **IDENTIFICATION OF THE DEFENDANT**

10. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

#### **NO WAIVER OF OTHER CLAIMS**

11. By filing this Saudi Arabia Short Form Complaint, Plaintiffs are not waiving any right to file suit against any other potential defendants or parties.

12. By filing this Saudi Arabia Short Form Complaint, Plaintiffs are not opting out of any class that the Court may certify in the future.

#### **JURY DEMAND**

13. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: New York, New York  
December 21, 2018

Respectfully submitted,

/s/ Thorn Rosenthal

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Thorn Rosenthal

Sara E. Ortiz

**CAHILL GORDON & REINDEL LLP**

80 Pine Street

New York, New York 10005

(212) 701-3000

troenthal@cahill.com

*Attorneys for Plaintiffs*